

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

RAFAEL NEVAREZ NIEVES
MILAGROS SANTIAGO RUIZ

DEBTORS

RAFAEL NEVAREZ NIEVES
MILAGROS SANTIAGO RUIZ

MOVANT

V.

DEPARTMENT OF TREASURY

RESPONDENT

CASE NO 24-00784 ESL

CHAPTER 13

TO DETERMINE VALUE
OF PROPERTY UNDER
§506(a) and FRBP 3012

AVOIDANCE OF LIEN
UNDER 11 U.S.C. §522(f)

**MOTION TO DETERMINE VALUE OF PROPERTY
and MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. §522(f)
RE: DEPARTMENT OF TREASURY SECURED CLAIM NO. 3-1**

TO THE HONORABLE COURT:

COMES NOW, **RAFAEL NEVAREZ NIEVES and MILAGROS SANTIAGO RUIZ**, the Debtors/Movant, through the undersigned attorney, and very respectfully state and pray as follows:

I. INTRODUCTION AND NATURE OF REMEDY REQUESTED:

1. The Debtors respectfully move this Honorable Court for an Order under 11 U.S.C. §506(a) and Fed. R. Bank. P. 3012 to determine the value of the Debtors' real property and the value of the Department of Treasury's claim secured by a lien on the Debtors' property.

2. In addition, the Debtors request the Court to Order the partial avoidance of Department of Treasury's lien on the Debtors' real property. This motion is based on 11 U.S.C. §522(f)(1) and (2), and is made pursuant to Fed. R. Bank. P. 4003(d) and 9014 and Bankruptcy Local Rules- DPR, Rules 4003-2 and 9013-1. The purpose of Section 522(f) is to allow a debtor to "avoid the fixing of a lien on an interest of the debtor in property". *In re Weinstein*, 164 F. 3d 677, 684 (1st Cir. 1999).

II. STATEMENT OF FACTS:

3. On February 29, 2024, the Debtors filed a voluntary petition under Chapter 13, 11 U.S.C. §§1301, *et seq.* Osmarie Navarro Martinez, Esq., has been appointed the Interim Chapter 13 Trustee, in the present bankruptcy case. *See*: Docket No. 07.

4. The Debtors own a residential real property located at Hacienda Portal al Campo 21 Riachuelo Street Road 173 Int. Km. 8.7 Sumidero Ward Aguas Buenas Puerto Rico 00903 (hereinafter "the Property"). *See*: Attached copy of *Title Study* Dated February 15, 2024.

5. The Property was listed in the Debtors' *Schedules "A/B" and "C"*. *See*: Docket No. 01.

6. As of the date of filing of this bankruptcy petition, the approximate fair value of the Property is \$147,000.00, as determined by a recent real estate sales comparable dated September 22, 2023. *See*: Attached copy of sales comparable report dated February 05, 2024, issued by Luis Abreu & Associates.

7. On April 17, 2024, the Department of Treasury filed a Claim No. 3-1, in the sum of \$344,169.55, stating that the amount of the claim that is secured is \$342,936.54. *See*: Copy of Claim No. 3-1 filed by the Department of Treasury.

8. The Department of Treasury holds a lien on the Property: a State Lien identified as #Bay-19-6364 (hereinafter “the Lien”) in favor of Department of Treasury, which was filed at entry 2019-001-1543-EST in the Property Registry First Section of Caguas. *See:* Attached Copy the Department of Treasury’s Proof of Claim (Claim No. 3-1) and copy of *Title Study* Dated February 15, 2024.

9. Except from the Lien, the Property holds no other lien.

10. The Debtors have a right to claim and are claiming a “homestead exemption” under 11 U.S.C. §523(d)(1) in the sum of \$55,800.00. *See: Schedule “C”, Official Form 106C, Docket No. 01.*

11. That the Treasury Department’s Claim does impair the Debtors’ homestead exemption under the §522(f) formula as follows:

Total value of the Property is	\$147,000.00
Less:	
The amount of exemption the Debtors	
Claim Under 11 U.S.C. §522(d)(1).....	\$ 55,800.00
Amount subject to judicial lien.....	\$342,936.54
Total of liens plus exemption.....	\$398,736.54

III. LEGAL ARGUMENT

A. THE LIEN STRIP DOWN

12. Pursuant to §506(a) of the bankruptcy Code, “...a claim is deemed secured only to the extent of the value of the creditor’s interest in the debtor’s interest in the subject collateral.” 11 U.S.C. 506(a); *In re Mann*, 249 B.R. 831.

13. A secured claim cannot be an allowed claim in an amount greater than the value

of the estate's interest in the collateral.

14. "...[T]he process of voiding a lien is called 'lien stripping' and can be done in two different ways: strip down and/or strip off. A strip down 'occurs when an under-secured creditor's lien is reduced to the remaining equity value in its collateral after superior liens are deducted; whereas, strip off occurs when a wholly under-secured creditor's lien is removed from the collateral in which there is no equity.'" *In re Vargas Quinones*, 581 B.R. 705, 709 (Bankr. D. Puerto Rico 2017), citing *In re Johnson*, 386 B.R. 171, 173 (Bankr. W.D. Penn. 2008).

15. In the present case, the Debtors' real property has a value of \$147,000.00 and is encumbered by the Department of Treasury's lien in the sum of \$342,936.54, therefore the value of the Department of Treasury secured interest in the Property is \$147,000.00 less the Debtors' homestead exemption in the sum of \$55,800.00, for a secured interest of \$91,200.00.

B. THE LIEN AVOIDANCE UNDER §522(f)

16. Pursuant to 11 U.S.C. §522(f)(1)(A), a debtor has the unqualified right to avoid any judicial lien that impairs an exemption on debtor's property.

17. Section 522(1) and (2) provide, in relevant part, as follows:

" (f)(1) Notwithstanding any waiver of exemptions . . . the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is –

(A) a judicial lien, other than a judicial lien that secures a debt (for alimony, maintenance, or support) . . . ;

(2)(A) For the purposes of this subsection, a lien shall be considered to impair an exemption to the extent that the sum of –

(i) the lien;

(ii) all other liens on the property; and
 (iii) the amount of the exemption that the debtor could have claimed if there were no liens on the property;
 exceeds the value that the debtor's interest in the property would have in the absence of any liens.

(B) In the case of a property subject to more than 1 lien, a lien that has been avoided shall not be considered in making the calculation under subparagraph (A) with respect to the other liens.

(C) This paragraph shall not apply with respect to a judgment arising out of a mortgage foreclosure." 11 U.S.C. §522(f)(1)(A), (2)(A), (B), (C).

18. To the extent a creditor's lien is avoided the creditor becomes an unsecured creditor and the lien cannot attach to property that the debtor acquires after the petition is filed. *In re Marshall*, 204 B.R. 838 (Bankr. S. D. Ga. 1997); *In re Silveira*, 141 F.3d 34 (1st Cir. 1998).

19. In 1994, Congress amended section 522(f) to specifically set forth a general arithmetic formula for determining whether a lien could be avoided under that section.

20. Section 522(f)(2) specifies that a judicial lien is avoidable to the extent that the lien, plus all other liens on the property, plus the amount of the exemption that the debtor could claim if there were no lien on the property exceeds the value that the debtor's interest in the property would have in the absence of any liens. *In re Silveira*, 141 F 3d 34 (1st Cir. 1998); *In re Kolich*, 328 F 3d 406 (8th Cir. 2003).

21. The liens used in the calculation should be those that existed on the date of the bankruptcy petition. *In re Salanoa*, 263 B.R. 120 (Bankr. S.D. Cal. 2001).

22. In the present case, the sum of the Department of Treasury's claim (\$342,936.54) plus the Debtors' claimed homestead exemption (\$55,800.00) exceeds the value of the Property (\$147,000.00) by \$251,736.54, thus, the Department of Treasury's claim clearly does "impair" an exemption of the Debtors within the meaning of §522(f).

23. In summary, the sum of the Department of Treasury's lien (\$342,936.54) and the amount of the Debtors' exemption (\$55,800.00) – which sum equals \$398,736.54 – exceeds the value that the Debtors' property would have in an unencumbered state (\$147,000.00), and exceeds that value by \$251,736.54. Because the Debtors are entitled to avoid the Department of Treasury's lien to the extent of any impairment, the Debtors are entitled to avoidance in the amount of \$251,736.54. See: 11 U.S.C. §522(f)(1)(A); *In re Silveira, supra*, at page 39.

24. The remainder of the Department of Treasury's lien, in the amount of \$91,200.00 (\$342,936.54 minus \$251,736.54), is not subject to avoidance by the Debtors under 11 U.S.C. §522(f)(1)(A).

V. Conclusion

25. Based on the above stated facts and applicable law, the Debtors respectfully request this Honorable Court to enter an Order declaring that the secured value of the Department of Treasury's claim is \$91,200.00 under 11 U.S.C. §506(a) and 11 U.S.C. §522(f)(1)(A), in the above captioned case.

WHEREFORE, the Debtors respectfully request this motion to determine value of property under §506(a) and for avoidance of lien under §522(f), and to determine the Department of Treasury's secured claim, be granted.

NOTICE OF MOTION TO DETERMINE VALUE OF COLLATERAL UNDER §506(a) AND TO AVOID LIEN PURSUANT TO LOCAL BANKRUPTCY RULE 4003-2(c):

Within Twenty-one (21) days after service as evidenced by the certification, any party against whom this motion to avoid lien under 11 U.S.C. §522(f) has been served, must file an objection or other appropriate response thereto with the clerk's office of the United States Bankruptcy Court for the District of

Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion is deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. Local Bankruptcy Rule 4003-2(c).

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of such to Osmarie Navarro Martinez, Esq., Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., US Trustee's Office; I also certify that a copy of this motion was notified via US Mail return receipt requested to the following:

- (a) Department of Treasury, PO Box 9024140 San Juan PR 00902-4140, Certified Mail Receipt #70171070000105981377;
- (b) Department of Justice of Puerto Rico, Domingo Emanuelli Hernandez, Esq., Secretary of Justice, PO Box 9020192 San Juan PR 00902-0192, Certified Mail Receipt #70171070000105981384. ;

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 23rd day of April 2024.

/s/Roberto Figueroa Carrasquillo

USDC #203614

RFIGUEROA CARRASQUILLO LAW OFFICE PSC

ATTORNEY FOR the DEBTORS/MOVANT

PO BOX 186 CAGUAS PR 00726

TEL NO 787-744-7699; 787-963-7699

Email: rfc@rfigueroalaw.com

TITLE STUDY

CASE: ROBERTO FIGUEROA CARRASQUILLO, ESQ.

CUSTOMER: MILAGROS SANTIAGO RUIZ (RAFAEL NEVAREZ NIEVES)

PROPERTY NUMBER: 13,110 registered in folio 5 of volume 320 of Aguas Buenas Second Section of the Property Registry of Caguas.

DESCRIPTION: RURAL: Expanse of land identified in the inscription plat map with the number 21 of the Project known as Hacienda Portal al Campo, located in the Sumidero Ward of the municipality of Aguas Buenas, Puerto Rico, with a surface area of 900.808 square meters. Has boundaries to the NORTH: with lot #22; SOUTH: with lot #20; EAST: with land owned by Roberto Rodriguez Inc.; and WEST: with an area dedicated to public use (Riachuelo street). It is affected by a 3.00 meter-wide water way easement due to its boundary on the East.

REGISTRY TRACT: It is segregated from property #13147 registered in folio 73 of volume 318 of Aguas Buenas.

DOMINION: The property appears registered in favor of MILAGROS SANTIAGO RUIZ, single, who acquired it by purchase from Roberto Rodriguez Inc. for the price of \$50,000.00. according to deed #213 granted in Cidra, Puerto Rico on October 16, 2009 before the notary José Ramón González Colon, and on the 2nd inscription at folio 5 of the volume 320 of Aguas Buenas, property 13,110.

CHARGES AND ENCUMBRANCES: Due to its origin, it is affected by easements in favor of the P.R. Electric Power Authority (A.E.E.), P.R. TELEPHONE Co. and Restrictive Conditions.

MORTGAGES: OF ITSELF DOES NOT HAVE MORTGAGES.

FILING RECEIPT:

Document filed at Entry 2019-001-1543-EST, filed on September 3, 2019 by the Department of Revenue- State Lien # Bay-19-6364- Law 210 of December 8, 2015 in the amount of \$216,926.99. DEFENDANTS: RAFAEL NEVAREZ NIEVES & MILAGROS SANTIAGO RUIZ.

DEPARTMENT OF THE TREASURY. COLLECTION DISTRICT of Bayamón. Certification of Lien Law 210 of December 8, 2015. NAME: NEVAREZ NIEVES RAFAEL AND SANTIAGO RUIZ MILAGROS -6364 and -2440. TOTAL DUE. \$216,926.99 amount of lien Bay-19-6364 of the year 2017. type 100 principal \$146,099.00 Penalties: \$36,524.75, interest \$19,693.34 plus surcharges \$14,609.90.

LOGBOOK: At Entry 2024-017370-CA-02 of the Second Section of Caguas, on February 14, 2024, deed #4 was filed granted in Caguas, Puerto Rico, on January 24, 2024 before the Notary Jorge Figueroa Ortiz, on Designation 1011 of Homestead And Principal Home, (by marginal note) in favor of MILAGROS SANTIAGO RUIZ & RAFAEL NEVAREZ NIEVES. PROPERTY #13,10 of Aguas Buenas. Haciendas Portal al Campo.

WE ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR FROM THE REGISTRY AND ITS EMPLOYEES.

REVIEWED: STATE AND FEDERAL LIEN BOOKS, JUDGMENTS, JUDGMENTS, JUDGMENTS, LAW #12, CRIM AND ELECTRONIC LOGBOOK. KARIBE. Today February 15, 2024.

LUZ CASTRO COLON
TITLE SEARCHER

CERTIFICATE OF TRANSLATOR # JF-2024-067

I am a United States court-certified interpreter, and I CERTIFY that the above is a faithful translation of the Spanish source, which I have performed to the best of my ability. It consists of two (2) pages, including this certification sheet, and contains no changes or erasures.

The content of this translation is a Title Study issued by Luz Castro Colón on February 15, 2024.

In Figueres, Spain, on April 22, 2024.



Joaquin Font
Font Translations

400 Calaf Street, Suite 268, San Juan, PR 00918
Toll-Free Tel. & Fax: 1-877-JOAQUIN (562-7846)
e-mail: fonttranslations@gmail.com

ESTUDIO DE TITULO

CASO: LCDO. ROBERTO FIGUEROA CARRASQUILLO

CLIENTE: MILAGROS SANTIAGO RUIZ (RAFAEL NEVAREZ NIEVES)

FINCA NÚMERO: 13,110 inscrita al folio 5 del tomo 320 de Aguas Buenas Segunda Sección del Registro de la Propiedad de Caguas.

DESCRIPCION: RUSTICA: Predio de terreno identificado en el Plano de inscripción con el número 21 del Proyecto conocido como Hacienda Portal al Campo, ubicado en el Barrio Sumidero del término municipal de Aguas Buenas, Puerto Rico, con una cabida superficial de 900.808 metros cuadrados. En lindes por el NORTE: con el solar #22; SUR: con el solar #20; ESTE: con terrenos propiedad de Roberto Rodríguez Inc. y por el OESTE: con área dedicada a uso Público (calle Riachuelo). Afecta a servidumbre Pluvial de 3.00 metros de ancho por su colindancia Este.

TRACTO REGISTRAL: Se segrega de la finca #3147 inscrita al folio 73 del tomo 318 de Aguas Buenas.

DOMINIO: La propiedad consta inscrita a favor de MILAGROS SANTIAGO RUIZ soltera, quien adquirió por compra que le hiciera a Roberto Rodríguez Inc. por precio de \$50,000.00, según escritura #213 otorgada en Cidra, Puerto Rico el 16 de octubre del 2009 ante el notario José Ramón González Colon y de la 2da. Inscripción al folio 5 del tomo 320 de Aguas Buenas, finca 13,110.

CARGAS Y GRAVAMENES: Por su procedencia está afecta a servidumbres a favor de la A.E.E. de P.R. P.R. TELEPHONE Co. y a Condiciones Restrictivas.

HIPOTECAS: POR SI NO TIENE HIPOTECAS.

RECIBO DE PRESENTACION:

Documento presentado al Asiento 2019-008543-EST, presentado el 3 de septiembre del 2019 por el Departamento de Hacienda- Embargo Estatal # Bay-19-6364- Ley 210 del 8 de diciembre del 2015 por la suma de \$216,926.99. DEMANDADOS: RAFAEL NEVAREZ NIEVES & MILAGROS SANTIAGO RUIZ.

DEPARTAMENTO DE HACIENDA, DISTRITO DE Cobros de Bayamón. Certificación de Embargo Ley 210 del 8 de diciembre 2015. NOMBRE: NEVAREZ NIEVES RAFAEL Y SANTIAGO RUIZ MILAGROS .6364 y .-2440.

TOTAL ADEUDADO: \$216,926.99 numero de Embargo Bay-19-6364 del año 2017, tipo 100 principal \$146,099.00 Multas: \$36,524.75, Intereses \$19,693.34 mas recargos \$14,609.90.

BITACORA: Al Asiento 2024-017370-CA-02 de la Segunda Sección de Caguas, el día 14 de febrero del 2024, se presento la escritura #4 otorgada en Caguas, Puerto Rico el 24 de enero del 2024 ante el notario Jorge Figueroa Ortiz, sobre Designación de Hogar Seguro Y Hogar Principal, (por nota marginal) a favor de MILAGROS SANTIAGO RUIZ & RAFAEL NEVAREZ NIEVES, FINCA #13,10 de Aguas Buenas, Haciendas Portal al Campo.

NO SOMOS RESPONSABLES DE ERRORES U OMISIONES QUE PUEDAN SUCEDER DEL REGISTRO Y SUS EMPLEADOS.

REVISADOS: LIBROS DE EMBARGOS ESTATALES, FEDERALES, SENTENCIAS, Ley #12, CRIM Y BITACORA ELECTRONICA, KARIBE. Hoy 15 de febrero del 2024.

LUZ CASTRO COLON.
INVESTIGADORA DE TITULOS



LUIS ABREU & ASSOCIATES
Purchaser's Representative

Printed on 02/05/2024
Telephone: 787-765-3243
Email: info@luisabreu.com
Website: www.luisabreu.com

Reference	Photo	Block	Street	Ward Name	Comm/Sector	Municipality	Sale Price	App. Value	Date Sold	Lot Area	Type	Age	Cond	Story	Unit	Rooms	Beds	Baths	GLA	CP/GR	App Code	Improvements	Other	Data Source
281947	Yes	10L	RIACHUELO ST	HACIENDA PORTAL AL SUMIDERO CAMPO	AGUAS BUENAS	\$147,000	\$147,000	\$147,000	09/22/2023	900	D	0	C1	1	1	6	3	2	981	1CP=194			LDRY, SPTNK, PCH, PA	FIRST MTG

Fill in this information to identify the case:

Debtor 1 RAFAEL NEVAREZ NIEVES

Debtor 2 MILAGROS SANTIAGO RUIZ (XXX-XX-2440)
(Spouse, if filing)

United States Bankruptcy Court for the: District of Puerto Rico

Case number 24-00784-ESL13

Official Form 410

Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>DEPARTMENT OF TREASURY</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>DEPARTMENT OF TREASURY</u> Name <u>PO BOX 9024140</u> Number Street <u>SAN JUAN</u> <u>PR</u> <u>00902-4140</u> City State ZIP Code Contact phone <u>(787) 721-2020 Ext. 2475</u> Contact email _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____	Filed on _____ MM / DD / YYYY
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 6 3 6 4

7. How much is the claim? \$ 344,169.55 Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
IT (100): 2017 & 2018

9. Is all or part of the claim secured? ☐ No
☒ Yes. The claim is secured by a lien on property.
Nature of property:
☒ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ 342,936.54
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- ☐ Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).
- ☐ Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).
- ☒ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).
- ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).
- ☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/18 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 04/11/2024
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name

SANDRA RODRIGUEZ GONZALEZ - JVU

First name

Middle name

Last name

Title

BANKRUPTCY DIVISION SUPERVISOR

Company

DEPARTMENT OF TREASURY

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

PO BOX 9024140

Number Street

SAN JUAN

City

PR

State

00902-4140

ZIP Code

Contact phone

(787) 721-2020 Ext. 2475

Email

DEPARTAMENTO DE
HACIENDA



Estado Libre Asociado de Puerto Rico
Commonwealth of Puerto Rico
DEPARTAMENTO DE HACIENDA
DEPARTMENT OF THE TREASURY
Area de Rentas Internas y Recaudaciones
Internal Revenue and Collection Area
Negociado de Recaudaciones
Bureau of Collections

SECCION DE QUIEBRAS, SAN JUAN, PR
Colecturía - Collector's Office

RAFAEL NEVAREZ NIEVES & MILAGROS SANTIAGO RUIZ

Nombre Completo del Contribuyente o Agente - Taxpayer or Agent Name (Complete)

PO BOX 1353

Dirección Residencial o Postal - Postal or Residence Address

CIDRA

Municipio - Municipality

PR

País - Col

00739

Código Postal - Zip Code

XXX-XX-6364 & XXX-XX-2440

Número de Cuenta - Account Number

13

Capítulo - Chapter

24-00784-ESL13

QUIEBRA - BANKRUPTCY NUM.

Proof of Claim Summary

Income Tax

\$0.00

Priority

050112

\$1,155.91

\$77.10

33 - Unsecured - 34

050116

\$342,936.54

Secured

050115

\$344,169.55

Total Income Tax

IVU

\$0.00

Priority

050113

\$0.00

\$0.00

33 - Unsecured - 34

050117

\$0.00

Secured

050114

\$0.00

Total IVU

Special Contribution

\$0.00

Priority

\$0.00

Unsecured 34

050118

\$0.00

Secured

050111

\$0.00

Total Special Contribution

\$344,169.55

Total Claim

\$0.00

Total Priority

\$1,233.01

Total Unsecured

\$342,936.54

Total Secured

Thursday, April 11, 2024

Fecha - Date

JVU *[Signature]*

[Signature]
SANDRA RODRIGUEZ GONZALEZ - BANKRUPTCY DIVISION SUPERVISOR

Colector de Rentas Internas o su Representante Autorizado
Internal Revenue Collector or his Authorized Agent

Gobierno de Puerto Rico
DEPARTAMENTO DE HACIENDA
Área de Rentas Internas



Certificación de Deuda

MILAGROS SANTIAGO RUIZ
PO BOX 1353
CIDRA PR 00739-1353

Fecha: 11 abril 2024
ID de Contribuyente: 10605-27104
ID de Correspondencia: L1971011264

Cuenta	Principal	Intereses	Recargos	Penalidades	Multas/Otros	Balance Adeudado
Individuo - Contribución sobre Ingresos	\$146,870.00	\$87,494.00	\$14,687.00	\$36,524.75	\$58,593.80	\$344,169.55
Totales	\$146,870.00	\$87,494.00	\$14,687.00	\$36,524.75	\$58,593.80	\$344,169.55

Para un detalle de los periodos con balances adeudados por tipo de cuenta, véase las siguientes páginas.

IMPORTANTE:


De estar de acuerdo con esta información: deberá efectuar el pago a través de SURI <https://suri.hacienda.pr.gov> a la mayor brevedad posible para así evitar la acumulación de intereses.

De no estar de acuerdo con esta información: deberá presentar su reclamación acompañada de la evidencia correspondiente en cualquiera de nuestros Centros de Servicio al Contribuyente (SAC). Para conocer la ubicación de estos centros, puede acceder a www.hacienda.pr.gov. Si tiene preguntas relacionadas con este documento, puede comunicarse con nuestro Centro de Llamadas Hacienda Responde al (787) 622-0123.

Advertencia: Este documento incluye un detalle de deuda de contribuciones asociadas a su cuenta con balances adeudados, incluyendo intereses, recargos, penalidades, multas y otros, a la fecha de emisión del mismo. Además, esta certificación no incluye deudas pendientes de tasar o en proceso de investigación a la fecha de emisión.

Este documento no es válido sin la firma autorizada y el sello oficial en original del Departamento de Hacienda.

Vigencia: Este Certificado es válido hasta 30 días después de la fecha de emisión.


Secretario Auxiliar de Rentas Internas
o su Representante Autorizado

11-abr-2024
Fecha



ID de Contribuyente: 10605-27104
 ID de Correspondencia: L1971011264
 Carta Generada por: jvu001

Detalle de los Periodos

Tipo de Cuenta: Individuo - Contribución sobre Ingresos

Periodo*	Principal	Intereses	Recargos	Penalizaciones	Multas/Otros	Balance Adeudado
dic. - 2017 ²	\$146,099.00	\$87,109.09	\$14,609.90	\$36,524.75	\$58,593.80	\$342,936.54
dic. - 2018 ²	\$771.00	\$384.91	\$77.10	\$0.00	\$0.00	\$1,233.01
Totales	\$146,870.00	\$87,494.00	\$14,687.00	\$36,524.75	\$58,593.80	\$344,169.55

***Leyenda:** Apelación ¹ | Quiebra ² | Acuerdo de pago al día ³ | Pago diferido con la Planilla 2019 - Cantidad no vencida hasta el 15 de enero de 2021 ⁴ | Bajo análisis de prescripción ⁵



Gobierno de Puerto Rico
DEPARTAMENTO DE HACIENDA
Área de Rentas Internas

Certificación de Deuda

RAFAEL NEVAREZ NIEVES
PO BOX 1353
CIDRA PR 00739-1353

Fecha: 11 abril 2024
ID de Contribuyente: 01514-17856
ID de Correspondencia: L1416249024

Cuenta	Principal	Intereses	Recargos	Penalidades	Multas/Otros	Balance Adeudado
Individuo - Contribución sobre Ingresos	\$146,099.00	\$87,109.09	\$14,609.90	\$36,524.75	\$58,593.80	\$342,936.54
Totales	\$146,099.00	\$87,109.09	\$14,609.90	\$36,524.75	\$58,593.80	\$342,936.54

Para un detalle de los periodos con balances adeudados por tipo de cuenta, véase las siguientes páginas.

IMPORTANTE:

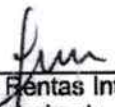
De estar de acuerdo con esta información: deberá efectuar el pago a través de SURI <https://suri.hacienda.pr.gov> a la mayor brevedad posible para así evitar la acumulación de intereses.

De no estar de acuerdo con esta información: deberá presentar su reclamación acompañada de la evidencia correspondiente en cualquiera de nuestros Centros de Servicio al Contribuyente (SAC). Para conocer la ubicación de estos centros, puede acceder a www.hacienda.pr.gov. Si tiene preguntas relacionadas con este documento, puede comunicarse con nuestro Centro de Llamadas Hacienda Responde al (787) 622-0123.

Advertencia: Este documento incluye un detalle de deuda de contribuciones asociadas a su cuenta con balances adeudados, incluyendo intereses, recargos, penalidades, multas y otros, a la fecha de emisión del mismo. Además, esta certificación no incluye deudas pendientes de tasar o en proceso de investigación a la fecha de emisión.

Este documento no es válido sin la firma autorizada y el sello oficial en original del Departamento de Hacienda.

Vigencia: Este Certificado es válido hasta 30 días después de la fecha de emisión.


Secretario Auxiliar de Rentas Internas
o su Representante Autorizado

11-Abr-2024
Fecha



ID de Contribuyente: 01514-17856
 ID de Correspondencia: L1416249024
 Carta Generada por: jvu001

Detalle de los Periodos

Tipo de Cuenta: Individuo - Contribución sobre Ingresos

Periodo*	Principal	Intereses	Recargos	Penalizaciones	Multas/Otros	Balance Adeudado
dic. - 2017 ²	\$146,099.00	\$87,109.09	\$14,609.90	\$36,524.75	\$58,593.80	\$342,936.54
Totales	\$146,099.00	\$87,109.09	\$14,609.90	\$36,524.75	\$58,593.80	\$342,936.54

***Leyenda:** Apelación ¹ | Quiebra ² | Acuerdo de pago al día ³ | Pago diferido con la Planilla 2019 - Cantidad no vencida hasta el 15 de enero de 2021 ⁴ | Bajo análisis de prescripción ⁵

Recibo de Presentación de Embargos y Sentencias



Departamento de Justicia REGISTRO DE LA PROPIEDAD SECCIÓN

Julio Feliciano Prieto
Registrador

787-721-2900

DOCUMENTO PRESENTADO

Asiento 2019-008543-EST

Fecha y hora de presentación:	3 de septiembre de 2019, 10:49AM	Agencia/Tribunal:	Departamento de Hacienda (DH)
Tipo de documento:	Embargo Estatal	Acción Civil:	
Tipo de Transacción:	Inscripción/Anotación	Demandante:	
Número de Embargo o Caso:	BAY-19-6364	Observaciones:	LEY 210 DEL 8 DE DICIEMBRE DE 2015
Cantidad Adeudada:	\$216,926.99		

DEUDORES/DEMANDADOS

RAFAEL NEVAREZ NIEVES
Seguro Social: XXX-XX-6364

MILAGROS SANTIAGO RUIZ
Seguro Social: XXX-XX-2440

DATOS DEL PRESENTANTE

Nombre: Liza Miranda Figueroa
Email: liza.miranda@hacienda.pr.gov
Teléfono: 787-721-2900

ARANCELES

Concepto	No. Serie	Fecha de Comprobante	Cantidad
EXENTO			



Gobierno de Puerto Rico
DEPARTAMENTO DE HACIENDA
Área de Rentas Internas
Negociado de Recaudaciones
Distrito de Cobros de: BAYAMON

CERTIFICACION DE EMBARGO
(Ley Núm. 210 del 8 de diciembre de 2015).

Nombre de Contribuyente: NEVAREZ NIEVES RAFAEL
SANTIAGO RUIZ MILAGROS

Dirección Postal: PO BOX 1353

Núm. de Cuenta: ~~000-00~~-6364 // ~~000-00~~-2440

Total Adeudado: \$216,926.99

Núm. de Embargo: BAY-19-6364

CIDRA, PR. 00739

Id de Contribuyente:[illegible]

CERTIFICO: que en virtud de la autorización que me fue concedida por el Secretario de Hacienda y de acuerdo con las disposiciones del Código de Rentas Internas de Puerto Rico de 2011 (Ley Núm. 1 del 31 de enero de 2011, según enmendada), quedan embargados los bienes inmuebles del contribuyente de epígrafe, para responder del pago de la deuda arriba indicada. Este embargo deberá anotarse a nombre del Gobierno de Puerto Rico al Libro Electrónico Único de Embargos por la cantidad adeudada más los intereses, recargos, multas penalidades y costos administrativos relacionados, que pudieran surgir hasta el saldo total de la deuda objeto de este embargo.

Nota: Afecta cualquier propiedad que pueda tener el contribuyente en todos los municipios de Puerto Rico, según lo dispone el Subtítulo E, Artículo 269 de la Ley 210 del 8 de diciembre de 2015.

30 DE AGOSTO DE 2019

Feche

LMF

FRANCISCO HUERTAS RIVERA

Supervisor(a) Distrito de Cobros o su Representante Autorizado

CERTIFICACIÓN DE INSCRIPCIÓN

CERTIFICO: que efectué la inscripción de embargo que precede consignado este hecho mediante la correspondiente anotación en el Libro Electrónico Único de Embargos a favor del Gobierno de Puerto Rico.

Fache

Registrador de la Propiedad

Conservación: Diez (10) años después de anotado el embargo.



Departamento de Justicia
Registro de la Propiedad

HOJA SIMPLE

DESCRIPCION DE FINCA

Demarcación	Número de Finca	Solar
BY0201 - Toa Baja	5282	F-2432
Tipo Finca		Número Catastro
Urbana		039-064-106-34-undefined
Finca Matriz	Número de Plano	
3974		
Latitud	Longitud	
18.447038030165700	-66.166425834527900	

Descripción

Número de Catastro: 039-064-106-34-undefined. Urbana: URBANIZACIÓN LEVITTOWN de Toa Baja. Solar: F-2432. Cabida: 498.45 Metros Cuadrados. Radicada en el Barrio Sabana Seca, del término municipal de Toa Baja. En linderos por el Norte en una distancia de 28.26 metros con el solar número 2431; por el Sur en una distancia de 31.93 metros con el solar número 2433; por el Este en una distancia de 24.07 metros con el Paseo Público; y por el Oeste en una distancia de 4.10 metros y un arco de 6.70 metros con Paseo Arce, según plano calle 349.
Enclava una residencia de hormigón para una familia.
Es segregación de la finca número 3974 de Toa Baja.

INFORMACION DE JUNTA DE PLANIFICACION

Area Geométrica		Muni Multi	Municipio
504		Toa Baja	Toa Baja
Barrio	Barrio Multi	Permisos de Uso	Sitio Histórico
Sabana Seca	Sabana Seca	No	
Coord X	Coord Y	Suelo Geolo	Zona Histórica
Inun Floodway	Inun Panel	Usos	
		Residencial	
Inun Zona			

ASIENTOS INSCRITOS (Cargas)

Número de Inscripción	Transacción	A favor de	Valor
1	Servidumbre	Autoridad de Fuentes Fluviales, Autoridad de Acueductos y Alcantarillados, servidumbre de paso, Estados Unidos de América, Municipio de Toa Baja, Puerto Rico Telephone Company	\$0.00
1	Condiciones Restrictivas	Edificación y Uso , Levitt and Sons of	\$0.00

ASIENTOS INSCRITOS (Titulares)						
Número de Inscripción		Transacción	A favor de	Valor		
10		Compraventa	LESLIE OMAR EATON ROSARIO	\$153,000.00		
4		Compraventa	RAFAEL NEVAREZ NIEVES	\$33,890.00		
9		Adjudicación y/o Partición	Enid Magaly Castrodad Melendez	\$75,000.00		
9		Liquidación de Bienes Gananciales	Enid Magaly Castrodad Melendez	\$75,000.00		
9		Adjudicación y/o Partición	Rafael Nevárez Nieves	\$75,000.00		
DOCUMENTOS PENDIENTES						
Asiento		Transacción	A favor de	Valor	Finca	Demarcación



Estado Libre asociado de Puerto Rico
Commonwealth of Puerto Rico

DEPARTAMENTO DE HACIENDA
Department of Treasury

Área de Rentas Internas y Recaudaciones
Internal Revenue and Collection Area

Negociado de Recaudaciones
Collections Bureau

Sección de Quiebras, San Juan PR
Bankruptcy Section

Tipos de Cuenta

Cuenta Account	Clave Key	Descripción Description
100	Ind	C/S/I Individuo
125	Cont. Espec.	Contribución Especial Sobre la Propiedad Inmueble
200	Corp.	C/S/I Corporativo
201	CADE	Contribución Adicional Especial
202	TOLL	Impuesto de Repartición
203	EXTR	Contribución Extraordinaria Corporación
204	ESPE	SC 2371 Pago Adelantado Contribución Especial
205	TECR	Tendencia Créditos Contributivos
207	PCES	Plan Esp 5% NYNN Contribución Especial
208	GRUP	Grupo Corporativo
300	PATR	Patronal
301	RONR	Retenida en Origen a No Residente
302-306		Dividendos, Int. Y Distribución de Sociedades
307		Penalidad IRA
308		Otros Pagos
350		Extensión de Servicios Prestados
400	7 RET	7% Retenido y otras Retenciones
401		Servicios Prestados Corporación
402		Indemnización Extrajudicial o Judicial
410	1.5A	1.5% 1.5% Aport
460		Entrada-Conducto
500	ARBT	Arbitrios
501	HOTE	Contribuyentes Hoteleros
502	JOYE	Joyería
503	MANU	Manufacturero
504	IMP A	Importador Afianzado
505	AGRI	Agricultor
506	EXEN	Exento
507	MAIL	Mercancía Introducida por Correo
508	ADEU	Almacén de Adeudo
509	IACE	Importador de Aceites y Lubricantes
510	MARB	Mensual de Arbitrios
511	ACEI	Cargos por Aceite
512	NEUM	Cargo por Neumáticos
513	DEPO	Depósito Protección Ambiental
520	DECL	Pagos Declaración de Arbitrios
530	WAPP	4 % Corporaciones Foráneas
550	IVU	Impuesto sobre Venta y Uso
551	USO	Impuesto sobre Venta y Uso
553	AIJU	Auditoría IVU
600	HER	Herencia
620	DON	Donaciones
700	LACD	Licencia de Arbitrios con Descuento
701	LARB	Licencia de Arbitrios sin Descuento
750	ALIC	Licencia de Bebidas Alcohólicas
760	PMAQ	Reglamento Leyes Maquinas Entretenimiento
800	BEBI	Impuesto de Bebidas Alcohólicas
850		Electric Benefit Transfer
900	SERV	Departamento de Servicios Sociales
901/902/903	CHDV	Cheque Devuelto: General/ Colecturía Virtual / IVU
904	REIN	Reintegro Procesado Indevidamente
920	PLPG	Planes de Pago Incentivo
930/908	PIVU	Penalidad Violación Reglamento IVU
940	PIVL	Penalidad IVU- LOTO
960	ASEM	Cuentas a cobrar ASEM
995		Beneficio Económico